IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 1168 of 1996

Between:

Shaik Saidabee, W/o Late Shaik Moulali,
Poultry Marketing Center, Karimnagar.

..... PETITIONER

AND

1 The Managing Director,
A.P. State Meat & Poultry Development Corporation Ltd., Shanthinagar,
Hyderabad.
2 The Regional Manager,
A.P. State Meat & Poultry Development Corporation Ltd., Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction and more particularly one in the nature of writ of Mandamus in not regularising the services of the petitioner and in not appointing the petitioner under Class IV category as illegal, improper, arbitrary and contrary to various G.O.s issued by Government from time to time and further direct the respondents to regularising the services of the petitioner by appointing the petitioner under class IV category from the date of initial appointment and further direct the respondent to pay all consequential benefits

Counsel for the Petitioner:MR.J.SIDDAIAH

Counsel for the Respondent No.1&2: None Appeared

The Court made the following :

:: ORAL ORDER::

-

The writ petition is filed seeking regularization of the services of the petitioner as Class-IV employee in the respondent-Corporation. The petitioner's husband while working as a Veterinary Compounder in the respondent-Corporation died in harness in 1990. She submitted an application dt 2.4.1991 for compassionate appointment. By the order of the 1st respondent dated 3.7.1991 she was appointed as a "temporary contingent Attendant' and posted to Poultry Marketing Center, Khammam. Claiming that she has put in 5 years service as contingent employee and as such is entitled to regular appointment as Class-IV Employee, the writ petition is filed.

When the matter is taken up for hearing today there is no representation whatsoever on behalf of the respondents, though the Government Pleader for Animal Husbandry is shown as representing the respondents.

A counter affidavit has been filed on behalf of the 1st respondent. It is stated that as per the service rules of the Corporation the eligibility for appointment as Class-IV employee is study in 8th Class. As the petitioner had studied only up to 5th class and also for the reason that there were no vacancies in Class-IV posts, the petitioner was appointed as a contingent employee by proceedings dt 3.7.1991. The counter affidavit further states that even now there are no vacancies in Class-IV category. No assurance was given to the petitioner that she would be appointed in Class-IV category, is the further contention in the counter affidavit. According to the respondents *qua* the counter affidavit the petitioner has no legal entitlement either for regularization of service or appointment to a Class-IV post on the regular basis.

The petitioner is also not able to place before this court any instruments on the basis of which she can claim regular appointment to a Class-IV post in the service of the respondent-Corporation. Therefore, the relief sought in this writ petition cannot be granted.

However, if the respondent-Corporation or the State Government frames a scheme applicable to the respondent-Corporation for absorption of casual/contingent employee and the petitioner is qualified for such consideration in accordance with any such future scheme, the case of the petitioner should be considered by the

respondent for such scheme. For the present however there is no justification to grant any Mandamus as requested.

The writ petition is accordingly dismissed. No costs.

Date: 07.09.2004 ----------

Pvsn Justice G.Raghuram

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Managing Director,
A.P. State Meat & Poultry Development Corporation Ltd., Shanthinagar, Hyderabad.
2 The Regional Manager,
A.P. State Meat & Poultry Development Corporation Ltd., Warangal.

3.2CD copies